

Tourism, Hospitality & Event Management

Alexis Papathanassis · Stavros Katsios
Nicoleta Ramona Dinu *Editors*

Yellow Tourism

Crime and Corruption in the Holiday
Sector

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Crime and Corruption in the Holiday Sector

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Preface

Tourism Corruption Expressed as a Synthesis of Holiday-Experience Failures

Corruption is as widespread as it is elusive: in terms of defining it, as well as measuring its extent and impact. For a systemic perspective, corruption encompasses mal- and dysfunctional activity domains, preventing the corresponding political, economic or business system from fulfilling its intended purpose. Its roots may well lie in the inability of the reference system to control participant behaviour, and/or the inadequacies of the system itself, which provides incentives for corrupt behaviour (e.g. dysfunctional bureaucracy). In principle, corruption is widely regarded as an inhibitor of economic development and social equity, and as such it needs to be ‘fought against’. Indeed, a number of political campaigns and fractions frequently render a ‘fight against corruption’ a focal part of their agenda, with transparency being the main ‘weapon’ against it. It is tempting to attribute corruption and its adverse effects to the devious intentions or incompetence of those in power, who either benefit from it or are not competent enough to counteract it. Yet, the systemic character of corruption and its prevalence suggest that this is a simplistic viewpoint.

A people that elect corrupt politicians, imposters, thieves and traitors are not victims... but accomplices. (G. Orwell)¹

Systemic corruption can be regarded as constituting a collective phenomenon, visible in daily life through a ‘normalised’ illegality and even criminality within a system. Although isolated criminal incidents and illegal acts do not automatically indicate widespread corruption, it is their ubiquity and high frequency within a domain that suggest a wider systemic failure. Tax evasion, nepotism, bribery and fraud can occur anywhere and at any time. And they can even remain unpunished. But it is when their occurrence and impunity become ‘normality’ that corruption is at

¹Source: https://en.wikiquote.org/wiki/Talk:George_Orwell

play. Alternatively, corruption can act as a corrective mechanism for dysfunctional political and economic systems. To a certain extent, corruption is as old as human-kind itself. Regardless, whether corruption can realistically (or even should) be eliminated or not, it is pertinent to understand this phenomenon's origins, nature and implications. Obviously, the first instance of examination would be to highlight recurring incidents of systemic malfunction and common participant misbehaviour in the system. Similar to a medical diagnosis, a 'corruption' disease within a system can be initially identified and observed through measuring and exploring its symptoms. This is the primary focus and ambition of this book.

In the subsequent chapters of this book, we shed light on the extent and nature of corruption in the tourism sector (or system for that matter). Tourism is a globalised business impacting the livelihood of millions of people. The intangibility, internationality and fragmentation of tourism make it susceptible to corruption and render it a highly challenging field of action for national legislators and law enforcement agencies. Novel tourist experiences, interactions with unknown environments and places and a carefree mindset all represent core elements of the holiday experience. Hence, holidays inherently entail a number of dangers for tourists, rendering them vulnerable to crime. Conversely, the anonymity that is combined with the consumer/hedonistic mentality of many tourists may well lead to irresponsible and even criminal behaviour towards locals and others. With tourism's increasing importance as a strategy for economic development, countering corruption is increasingly becoming a priority.

This book summarises the proceedings of the 1st Yellow Tourism Conference, which took place in Corfu (Greece) from 27 to 29 April 2017. The aim of this inaugural conference was to create an interdisciplinary 'research space' for understanding tourism-related corruption whilst initiating the formation of a corresponding international network of tourism academics and practitioners. The main theme of the conference (and the title of this book) was coined 'Yellow Tourism', borrowing from Dostoevsky's novel *Crime and Punishment* the symbolism of the colour 'yellow' and its association with corruption and decay. Approximately 60 delegates, representing 19 different universities and institutions, attended the conference's three tracks, which were labelled as follows: corruption, corporate social responsibility and destination reputation; corruption and the holiday experience; and tourism corruption, crime, heritage and governance. During the conference, the following themes emerged (Papathanassis et al. 2017):

- *Multi-attribution of tourism corruption*: Corruption in the holiday domain has indeed many facets, beyond its traditional definition (i.e. tax evasion, money laundering, nepotism and bribery). In tourism, corruption is present in the daily holiday experience, and it directly affects the satisfaction, integrity and even safety of the individuals involved in it (e.g. conflict and fraud during holidays, criminal and negligence offences at the expense of tourists, exploitation and mistreatment of service workers, deterioration of heritage, cultural and natural resources and securitisation of tourism).

- *Tourism corruption 2.0*: The proliferation of the Internet and social media represents a new challenge for companies, who have a vested interest to limit the publicity of crime and corruption incidents. The line between reputation management and unethical/corruption practice is rather thin. Victims, as well as non-profit organisations, have now the means to expose malignant practices and exercise pressure on tourism companies. On the other hand, the technological possibilities of online platforms lend themselves to misinformation and public opinion manipulation.
- *Institutional weakness and the tourism system*: Digitalisation and its transparency potential can be seen as an effective, medium-term counter-measure for corruption. Yet, the digitalisation of tourism is dependent on the general level of a country's 'knowledge-based' economic development. This in turn relies on political will, on incentive/constraint structures and on the effectiveness of the overall institutional matrix. Tourism corruption can be perceived as both a symptom and a cause of arrested economic progress.
- *Corruption 'glocality'*: Countering corruption in tourism requires awareness at a global level and institutionally led counter-measures at a national/local level. Raising general awareness on the scope and impact of tourism-related corruption whilst supporting and enabling national/local tourism authorities to counteract it is proposed as the most realistic way forward.

The above-mentioned themes are reflected in the contents of this piece of work. Coming to the structural logic and contents of this book, we divided it into three sections. In the first part of the book, the challenges of CSR, tourist safety and security are addressed. Arguably, meeting those challenges is the foundation of satisfying holiday experiences and the backbone of the tourism sector as a whole. Failure to adequately address threats to tourists' personal safety for short-term political and/or business rationale and omitting to responsively counteract when those risks/threats materialise can both be perceived as a form of systemic corruption, which leads to the deterioration of the tourism system as a whole. A simple safety and security incident can escalate into a media crisis, ultimately impacting on demand and arrivals for a destination and leading to its economic demise. Repeated safety and security incidents can become government travel warnings and irreparably damage the reputation and brand of a destination or a tourism segment. In the second part of the book, we look more closely on the economic side of tourism corruption, exploring service-related failures, annoyances and fraud. Whilst those types of incidents do not directly impact on the 'DNA of tourism' (like safety and security do), they are still potentially symptomatic of corruption, incompetence and failures in the governance and management of the tourism system. Over time, such incidents undermine the holiday experience and the livelihood of those depending on it. Finally, the third and last part of the book addresses the governance and management of tourism systems. Here, the role of governmental tourism institutions is examined in terms of setting up the architecture for tourism development and its evolution. To a certain degree, this determines the size and distribution of tourism-related economic impacts and externalities. Weaknesses in tourism governance and

planning arguably create the space for corruption and facilitate the deterioration of sociocultural resources. Indicative of this type of deterioration is the current debate on ‘overtourism’ and the corresponding anti-tourism sentiment and demonstrations in a number of established tourism destinations (e.g. Venice, Barcelona, Dubrovnik).

At first glance, the incidents and issues covered in this volume may appear partially unrelated, leading to a fragmentation of the book’s contents. Yet, they are not, as they represent expressions/symptoms of the same cause: a ‘corrupted’ tourism system. Collecting them and classifying those ‘corruption symptoms’, under the term ‘yellow tourism’, is a first step towards defining the phenomenon (‘disease’) and understanding its mechanics. We view this piece of work as a starting point in the exploration of corruption in tourism, and we hope that it will enable and encourage other researchers to shed more light on this ‘dark’ domain of holidays.

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Part I
CSR, Tourist Safety and Security

‘Felons of the Seas’: Smoke, Mirrors and Obfuscation



Ross A. Klein

1 Introduction

The image projected by the international cruise industry is quite different than the reality they create in their wake. While proudly claiming environmental responsibility, vigilance to ensure passenger safety and security, and that “cruise travel is safer than virtually every other form of travel” (see cruising.org/cruise-vacationer/industry-facts/safety-at-sea), their practices reflect low standards for environmental protection, a disregard for ensuring the safety and security of its passengers (particularly safety from sexual assault and other crimes), and a tendency to blame passengers for incidents of illness outbreaks and other health problems (claiming passengers bring illness on board with them). In addition, the industry tends to misrepresent its product by claiming a cruise is all-inclusive and that the quality of dining and hospitality services are comparable to a five-star hotel or a Michelin-starred restaurant. This chapter looks at industry practices with a view toward looking beyond the smoke, mirrors and obfuscation reflected in advertising and projections in the media.

2 Environmental Felons

“We visit some of the most pristine areas of the world and our income depends on them staying that way, so why would we pollute?” That is a common cruise industry response to challenges of its environmental practices. Their question is disarming at first. But it can be turned back on them. Why aren’t they more conscientious in their

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environmental practices, especially given the increasing presence of cruise ships in environmentally delicate areas such as the Amazon, Antarctica, and the Galapagos Islands? A *London Times* reporter observes: “The more isolated the destination, the more the marketing people seem to love to send their vessels there” (Elliot 2007).

Claims of environmental responsibility contradict a pattern of serious offenses. In 5 years between 1997 and 2002, the North American cruise lines paid almost US\$55 million in fines to the US Government and State of Alaska for environmental violations. The U.S. had begun stricter enforcement for pollution offences in 1993 following a number of unsuccessful attempts to have the problem addressed by the state where offending ships were registered. Between 1993 and 1998, 104 ships were charged with offences involving illegal discharges of oil, garbage, and/or hazardous wastes (U.S. GAO 2000). Almost \$3 million in fines were levied between 1993 and 1997.

Fines brought unwanted and negative media attention to the cruise industry. At the height, just after U.S. Attorney general Janet Reno chastised Royal Caribbean International (RCI) for using the nation’s waters as its dumping ground while promoting itself as an environmentally ‘green’ company, the International Council of Cruise Lines (ICCL) issued a press release affirming the cruise industry’s commitment to maintaining a clean environment and to keeping the oceans clean (ICCL 1999).

Two years later in July 2001, while Carnival Corporation and Norwegian Cruise Line (NCL) were under investigation for a sustained pattern of environmental violations, and immediately after Alaska’s Senate cleared the way for final vote on the Alaska Cruise Initiative (setting standards for wastewater discharges into State waters), ICCL released “Cruise Industry Waste Management Practices and Procedures.” The standards effectively were the same as what already existed in U.S. law and or international conventions such as MARPOL. They represented a commitment to abide by existing laws and regulations.

Despite being mandatory, violations appeared to have no impact on a cruise line’s ICCL membership or status in the organization. Carnival Corporation, for example, was back in federal court within a year of pleading guilty in 2002 to six counts of falsifying records in relation to oil discharges from five ships operated by Carnival Cruise Lines (CCL). It had been summoned in July 2003 after a probation officer reported the company failed to develop, implement and enforce the terms of an environmental compliance program stemming from its 2002 plea agreement. Holland America Line (HAL) reportedly submitted 12 audits containing false, misleading and inaccurate information (Dupont 2003). Carnival Corporation fired the three environmental compliance employees, but did not admit violating its probation. In a settlement signed August 25, 2003 Carnival agreed to hire four additional auditors and to provide additional training for staff (Perez 2003: D1).

The corporation was again under investigation in March 2004 for illegal discharges. HAL, a wholly owned subsidiary of Carnival Corporation, notified U.S. and Netherlands governmental authorities that one of its chief engineers had improperly processed oily bilge water on the *Noordam*. The improper operation began in January 2004 and continued through March 4, 2004. Several months later, in July 2004, HAL was again in the news when its former vice president for environmental compliance pleaded guilty to certifying environmental compliance audits that had

never been done (Klein 2005). Despite these offenses, and the Mandatory Cruise Industry Waste Management Practices and Procedures, Carnival Corporation's and HAL's ICCL membership was not jeopardized.

The cruise industry's environmental violations continued sporadically over the years—between 2009 and 2013 the State of Alaska issued 174 Notices of Violation for cruise ships discharging in violation of Alaska Water Quality Standards. Environmental incidents became a focus again after a series of incidents between 2015 and 2017. The most visible included (see www.cruisejunkie.com/envirofines.html):

- September 2015: The Instituto Brasileiro do Meio Ambiente E Dos Recursos Naturais Renováveis (Brazilian Institute of Environment and Renewable Natural Resources—IBAMA) levied a fine of R\$2.505 million (US\$635,000) against MSC Cruises for dumping garbage bags during a cruise between Madeira Island and the Port of Recife.
- May 2016: *The Mercury* reports Carnival Australia was fined A\$15,000 fine after a sample of the *Pacific Jewel's* fuel showed sulphur levels nearly three times the limit.
- December 2016: *Washington Post* reports Princess Cruises agreed to plead guilty to seven felony charges and pay a \$40 million penalty for polluting the ocean with waste and then trying to cover it up. Eight Carnival subsidiaries will be audited for the next 5 years by a court-supervised Environmental Compliance Program. The whistleblower engineer will be paid \$1 million.
- January 2017: *Travel Weekly* reports Carnival Corporation settled with the Alaska DEC over allegations Princess Cruises and HAL violated Alaska's standards regulating visible air pollution from marine vessels.
- February 2017: *Seatrade Cruise News* reports RCI and Celebrity settled all claims related to alleged violations of the Alaska Marine Visible Emissions Standards that occurred over an earlier 5-year period on RCI and Celebrity Cruises' ships.
- February 2017: *CBC* reports *Clipper Adventurer*, which ran into a rock shelf in Nunavut, will have to pay nearly \$500,000 in environmental costs to the Canadian government after a Federal Court judge ruled they were responsible for the grounding.
- March 2017: *Deeper Blue* reports the cruise ship *MV Caledonian Sky* ran aground onto a coral reef near Kri, off Raja Ampat, Indonesia. The ship freed itself not long after, but left a 20-meter-long cut through the coral reef. Loss is estimated in excess of \$2 million.

3 Sexual Assaults and Felonious Crimes Onboard

The cruise industry not only promotes itself as safe, it says it is the safest form of commercial transportation. That is a grand claim; one which most passengers believe on its face.

The Morgans (a pseudonym) took a cruise in 2005, never thinking twice about it being unsafe for their 8-year old middle daughter to go back to the family's cabin on

her own. Along the way the youngster became confused and asked a crewmember in uniform for assistance. Instead of helping, the male (wearing a cruise line name plate) allegedly took the girl to a dark end of a corridor where he masturbated in front of her. It was subsequently learned the crewmember had previously worked for a different cruise line, which had “do not rehire” marked on his personnel file. But he passed background checks and was hired. The cruise line also failed to notice that the name under which the man had applied for employment was different than the name on his passport.

Laurie Dishman also believed a cruise was safe. She and her best friend in February 2006 chose a cruise to the Mexican Riviera on an RCI ship to celebrate 30 years of friendship and to celebrate Laurie’s birthday. But things quickly turned from good to bad when Laurie was raped by a security guard on day 2 of the cruise. The security guard, she learned later, was a janitor “filling in” for security in lounges to check IDs because there were not enough security personnel on board.

The cruise industry would prefer these experiences not be broadcast; when they are made public they are characterized as isolated exceptions or as statistically insignificant. But sexual assaults have been recognized since the early-1990s as a problem on cruise ships. “Cruise ships are as safe an environment as you can find,” was what a Carnival Cruise Lines spokesperson said during a court case involving a 14 year old child who was raped in 1989 on Carnival’s *Carnivale*. Rape, he said, “happens in houses, offices, hotels, and parking lots” (Adams 1990: 1). In this child’s case, the rape occurred onboard in a cleaning closet at 5:30 AM as the ship was returning to Miami from the Bahamas. The janitor was found guilty of the charges and sentenced to 30 years in prison. This was the first time a crewmember on a foreign-flagged cruise ship had been successfully prosecuted because the assault had occurred within U.S. territorial waters.

Sexual assaults on cruise ships gained the media’s attention in the late-1990s. In July 1999 CCL disclosed it had received 108 complaints of sexual assaults involving crewmembers in the 5 year period ending August 1998. RCI said it had 58 reported sexual assaults during the same 5-year period. Several months earlier an investigative journalist with the *New York Times*, Douglas Frantz, published an article entitled “On Cruise Ships, Silence Shrouds Crimes” where he describes an alarming range of passenger claims of sexual assault and discusses how they were handled by the cruise lines (see Klein (2008) for brief descriptions of a selection of cases).

With heightened media coverage and interest, four cruise corporations (Carnival, Royal Caribbean, Crystal, and Princess) representing more than 75% of the industry signed a letter of commitment in July 1999. Issued under the auspices of ICCL, they pledged a “zero tolerance policy” for crimes committed onboard ships and established an industry standard requiring allegations of onboard crime be reported to the appropriate law enforcement authorities. For vessels calling on U.S. ports, or crime involving U.S. citizens, this meant the Federal Bureau of Investigation (FBI).

Cruise lines were already expected to report to the U.S. Coast Guard all crimes involving U.S. citizens but it isn’t clear this was done. The press release announcing the zero tolerance for crime policy told American passengers they were protected by U.S. laws, that cruise lines were subject to civil liabilities in U.S. courts, and that

they were safer on a cruise ship than in urban or rural America—it said the number of reported shore side aggravated sexual assaults was at least 20–50 times greater than the total number of all reported shipboard assaults of any type. This claim was disputed by the industry’s own expert in 2006 when he testified that the rate of sexual assault on cruise ships was half the rate of sexual assault on shoreside (see Klein 2007).

The issue took on a renewed interest in the late 2000s as Congress considered the Cruise Vessel Security and Safety Act (CVSSA), introduced in 2008 and becoming law in 2010. By then the proportion of crew-on-passenger sex-related incidents had reduced by as much as one-third while passenger-on-passenger incidents increased (more than doubled). But sexual assaults continued to be a problem, especially on mass market cruise lines. The rate of sexual assault on some lines was 50% higher than on land in Canada (see Klein and Poulston 2011; Klein et al. 2017); 34% of the victims in 1 year were under the age of 18 (Senate Commerce Committee 2013).

3.1 Persons Overboard

It isn’t just sexual assaults capturing the interest of the U.S. Congress. Persons overboard led to hearings in 2005 in the U.S. House of Representatives and discussed in subsequent hearings as recent as 2014. To put the problem into perspective: there have been reports of almost 300 persons overboard since 2000; an average of 23 persons annually in the 7 years between 2009 and 2015 (Cruise Junkie 2017). Men are three times more likely than women to go missing overboard; passengers are reported missing three times more often than crew members (Klein 2013). About 11% of incidents are intentional suicides; 9.5% are accidents; and at least three cases were murders (plus a fourth where a body was thrown overboard to hide a murder). There are unsuccessful attempts to dispose of a person or a body by throwing them/it overboard.

Numerous incidents remain a mystery—people who have given no sign of being suicidal, are happy and enjoying the cruise (often with family members along), but go missing. Some of these cases were presented to Congress: Merrian Carver, Annette Mizener, and Hue Pham and Hue Tram, to name a few. Each case raises to the forefront the need for better video coverage of deck areas and for real-time monitoring of video feeds.

Two other issues are raised by persons overboard. One is cost to U.S. taxpayers to search for a missing passenger. In just one case—Michelle Vilborg who went missing 70 miles southwest of Pensacola, Florida on 15 June 2009—the search cost was estimated by the Coast Guard at \$813,807. Second is the need for proper detection of persons overboard. The CVSSA requires that “the vessel shall integrate technology that can be used for capturing images of passengers or detecting passengers who have fallen overboard, to the extent that such technology is available” (US Code §3507(a)(1)(D)). The cruise industry had not complied with this requirement by 2018.

3.2 *Other Crimes*

As seen in Table 1, the most common crimes reported on cruise ships are assault, sex related incidents, and theft. Also worth noting are incidents of Assault with Serious Bodily Injury (SBI) and persons overboard, however because persons overboard are not consistently reported to the FBI the actual number is higher. For example, the link from CCL's website to the website of the U.S. Department of Transportation (www.transportation.gov/mission/safety/cruise-line-incident-reports) indicates CCL has reported six persons overboard since 1 January 2010. During the same time period there were reports in the media of 23 persons going overboard from CCL ships. The same level of disparity between incidents and public reporting is found with other onboard crimes.

Table 1 shows CCL, RCI, and Celebrity Cruises with the highest number of thefts. Converting the data to standardised rates shows theft under \$10,000 is highest on Celebrity Cruises (85.4 per 100,000), followed closely by Carnival (82.4 per 100,000); RCI's rate is almost half that of the others (43.8 per 100,000).

As with theft, RCI, Celebrity Cruises, and CCL report the largest number of assaults. Standardised rates show the rate of assault on RCI in 2011 was 227 per 100,000, compared to 124 on Celebrity Cruises and 11.8 on Carnival. It is difficult to know whether these differences are an artefact of the cruise line and the passengers it attracts or a reflection of a lower tolerance level for reporting incidents. However, analysis indicates a large portion of the difference between RCI, Celebrity and others lies in a high rate of domestic violence reports. Approximately half of the assaults on RCI in 2011 involved travelling companions.

3.3 *Shipboard Security*

Shipboard security is relevant given limitations in capability given the low-level of training of many security officers. Also, unlike police in a community setting who are objective and disinterested investigators, shipboard security personnel are compromised—they investigate crimes in which their colleagues or employer may be complicit, or involved. They may not be able to act in a disinterested, objective manner, placing the victim above the interests of the organisation providing their pay and continued employment.

Definition of an incident is critically important. There is no mandatory reporting of incidents labelled "unwanted sexual contact" or "sexual contact groping," even though most would be considered sexual assault by the victim and many labelled sexual assault by someone not employed by the cruise line. As an expert witness, I have seen incidents the victim views as rape or sexual assault labelled by cruise ship security as consensual sex ("he said she said") or "sexual contact—groping." Consequently, industry crime statistics are grossly misleading.

Table 1 Crimes reported by cruise lines to the FBI, 2007/2008 versus 2011^a

	Year	Assault	Assault w/SBI	Death	Overboard	Sexual assault and rape	Sexual contact	Sexual-other	Theft	Theft over \$10K	Other	Total
Azamara Cruises	2008	-	-	-	-	1	-	-	2	-	-	3
	2011	1	-	-	-	-	-	-	1	-	-	2
Carnival Cruise Lines	2008	9	5	5	3	40	48	5	73	3	6	197
	2011	9	3	6	1	49	33	2	63	3	-	169
Celebrity Cruises	2008	5	1	-	-	-	7	-	2	3	1	19
	2011	35	-	1	2	4	4	1	24	3	-	74
Costa Cruises	2008	-	-	-	1	1	-	-	-	-	-	2
	2011	-	-	-	1	-	-	-	-	-	-	1
Disney Cruise Line	2008	-	-	-	-	-	-	1	1	-	-	2
	2011	-	-	-	-	-	-	-	-	1	-	1
Holland America Line	2008	1	-	-	-	8	-	-	4	3	-	16
	2011	1	-	-	1	1	1	-	-	-	-	4
Norwegian Cruise Line	2008	1	2	1	-	3	1	1	-	-	-	9
	2011	4	-	1	1	5	1	-	-	1	-	13
Princess Cruises	2008	2	1	1	-	2	2	1	-	-	-	9
	2011	-	-	-	-	2	-	-	-	1	-	3
Seabourn Cruises	2008	-	-	-	-	1	-	-	-	-	-	1
	2011	-	-	-	-	-	-	-	-	1	-	1
Regent Seven Seas	2008	-	-	-	-	-	-	-	-	-	-	-
	2011	-	-	-	-	1	-	-	-	-	-	1
Royal Caribbean International	2008	96	8	3	-	17	19	-	7	3	11	164
	2011 ^b	197	2	3	2	27	18	5	38	6	-	298
Other	2008	1	-	-	3	-	1	-	-	-	-	5

(continued)

Table 1 (continued)

	Year	Assault	Assault w/SBI	Death	Overboard	Sexual assault and rape	Sexual contact	Sexual-other	Theft	Theft over \$10K	Other	Total
Total	2008	115	16	9	7	73	78	7	89	12	18	424
	2011	247	5	11	8	89	57	8	126	16	-	567

^aBased on crime reports provided by the FBI in response to a Freedom of Information request by International Cruise Victims Association. The first set of data covered 1 October 2007–30 September 2008. The second set was for 2008. Crime reports to the FBI are voluntary; the industry commitment made in March 2007 is to report to the FBI only crimes against U.S. citizens

^bData include five cases disclosed in discovery in a lawsuit that were not included in the FBI data. These include three rapes, one sexual assault, and one case of sexual-other (i.e., indecent exposure)

3.4 Other Risks

Cruise ships have other risks, though most pale in comparison to those discussed. Ships have accidents—running aground or colliding with an object or another ship—and some have sunk. While some incidents attract media attention, most remain hidden.

Many accidents such as fires and propulsion problems appear random; others may have greater likelihood on some ships. For example, ships that have sunk in the past decade have been older ships owned by small companies (see www.cruisejunkie.com/Sunk.html). Two cruise ships sank in 2007: Louis Cruises' *Sea Diamond* after running aground off Santorini in April (two passengers perished) and GAP Adventures *Explorer* off Antarctica near the South Shetland Islands after hitting ice and evacuated in the middle of the night.

Both incidents underlined the importance of safety equipment and procedures. Evacuation of *Sea Diamond* was reportedly disorganized and not well facilitated by officers or staff. Abandoning *Explorer* was hampered by lifeboats that didn't easily deploy and engines that wouldn't start, which could have been catastrophic had weather and ice conditions been bad. Relatively new ships also have had their share of problems. Princess Cruises' *Crown Princess* was in service about a month as scores of passengers were injured when the ship listed 24 degrees. The senior watch officer on the bridge had disengaged the automatic steering mode of the vessel's integrated navigation system and took manual control (NTSB 2008). And Hurtigruten's *Fram* was less than a year old when on December 27, 2007 it lost power for 2 hours while on the northern tip of the Antarctic Peninsula and drifted toward a towering wall of ice. The collision bent the railing and a lifeboat was completely crushed.

When restarted, the ship headed for King George Island; the following cruise was cancelled. All ships have accidents and incidents. A comprehensive breakdown presented by Klein (2013) to the U.S. Senate indicated the following between January 2009 and June 2013:

- Cancellations, Itinerary Changes, Missed Port Calls (not weather-related) (N = 271)
- Mechanical Problems, including aground, collisions, fire, power loss (N = 353)
- Deaths on Shore, including dive/scuba, parasailing, snorkeling (N = 37)
- Miscellaneous, including accidents ashore, onboard falls, thefts >\$10K, injuries on shore excursions (N = 353)

It is worth keeping in mind CCL's response following the "Poop Cruise" on *Carnival Triumph* in 2013: "[T]he ticket contract makes absolutely no guarantee for safe passage, a seaworthy vessel, adequate and wholesome food, and sanitary and safe living conditions" (Griffin and Bronstein 2013).

4 Smoke, Mirrors and Obfuscation

There are other issues worth discussion. These are not felonious, but demonstrate the cruise industry's propensity for misrepresenting its product and its tendency to exploit workers in the interest of maintaining profitability.

4.1 *Illness Outbreaks*

The complexity and variety of illnesses on cruise ships has shifted over the past three decades. In the 1980s and 1990s outbreaks were commonly caused by food borne bacteria such as *Shigella*, *Salmonella* and *Escherichia coli*. With better food processing and refrigeration, and more careful testing and treatment of drinking water loaded from shore, incidents caused by bacteria have reduced significantly.

The incidence of illness caused by norovirus however has increased significantly. In contrast to four or five norovirus outbreaks between 1999 and 2001, in 2002 the U.S. Centres for Disease Control (CDC) identified 29 illness outbreaks (most caused by norovirus); there were 44 cases of gastrointestinal illness on cruise ships worldwide in 2002. The number of outbreaks since has fluctuated with a high of 54 in 2006 and low of 14 in 2014.¹

Because outbreaks on cruise ships are highly visible, especially when more than 20% of passengers become ill, norovirus has been nicknamed the "cruise ship virus." The cruise industry claims the label is unfair because the virus is often found in institutional settings. Although this is technically correct, their defence fails to acknowledge that cruise ships are perfect incubators for norovirus and a host of other viruses and bacteria because of the constant socialising within closed spaces.

The cruise industry claims passengers bring norovirus with them. This was first asserted in November 2002 after three successive illness outbreaks sickened more than 400 passengers and 50 crewmembers on HAL's *Amsterdam*. The company's vice president of public relations declared at a press conference, "The ship is not sick. There are sick people getting on the ship" (LaMendola and Steighorst 2002). With large scale illness outbreaks affecting other cruise ships as well, the industry's trade group, International Council of Cruise Lines (ICCL), adopted HAL's defence, and the industry's excuse that "passengers bring it" became common (Klein 2008).

The industry's position implicitly assumes outbreaks are random, but this is not the case. Notably, the frequency of illness outbreaks is related to cruise length; shorter cruises have the lowest rates (Cramer et al. 2006). While it is tempting to conclude that short cruises are safer, this might not be the case. To register as an outbreak, more than 3% of passengers or 2% of crewmembers must report illness; the 3% figure is more easily reached over a longer period of time. Thus, while the

¹See www.cruisejunkie.com/outbreaks2017.html

rate of outbreak is higher for cruises that are longer, the risk may be greater on a short cruise where the 3% threshold is reached within a very short time.

It may be more enlightening to look for a relationship between illness outbreaks and cruise line or cruise ship. Data reveals Princess Cruises and HAL are disproportionately represented as a percentage of all reported outbreaks, together accounting for 167 cases, or one-third of all illness outbreaks recorded from 2002 through 2014. Both cruise lines have smaller passenger capacity than Carnival Cruise Lines (CCL) and Royal Caribbean International (RCI), but their share of outbreaks is greater (Klein et al. 2017).

Evidence of ship-specific outbreaks further supports the view that illness outbreaks are not entirely random. Within a single cruise line there can be wide difference between ships. For example, HAL has the highest rate of illness outbreaks, but three or four of its ships are disproportionately represented. It is an empirical question as to why these ships have more frequent outbreaks than others (Klein et al. 2017).

Outbreaks reflect how easily norovirus can be transmitted from person to person or via food in a closed environment such as a cruise ship. The continuation of outbreaks on consecutive cruises with new passengers suggest that environmental contamination occurs. Infected crewmembers seem the most likely reservoirs of infection for passengers (MMWR 2002). This view is supported by research finding nearly half of all norovirus outbreaks are linked to ill food-service workers (Widdowson et al. 2005), indicating that even if passengers bring infection on-board, it is the ships that keep it alive, mostly likely through inadequate hand washing and sanitisation processes.

The industry would argue against this conclusion, insisting crewmembers are not a key because of the relatively small number of reported illness among crew compared to passengers. However, those who choose to work at sea may be naturally less susceptible to gastrointestinal upsets, or are simply more stoic. More likely however is that there are strong disincentives against crew members reporting when they are ill (CDC 2002). If they depend on tips, they may work even when they are ill. Some risk losing their job if absent for more than 2 or 3 days and may be pressured to return to work even when unwell. A number of health inspections indicate crew are not removed from work when ill (Cruise Law News 2015). This poses a serious problem for controlling spread of the virus. Not only are ill crewmembers likely to work, but those 'quarantined' in their cabin—a cabin normally shared with other crew members—for 48–72 hours, are likely to return to work when their symptoms ease, but while they are still contagious. The virus can easily be reintroduced and carried over from one cruise to another, especially by kitchen workers, food and beverage servers and those engaged in regular, direct contact with passengers. The problem cannot be addressed until the issue is considered more objectively, without attributing the cause as "passengers bring it with them."

Quarantine practices for passengers are also disincentives to reporting illness, further complicating containment. If passengers report the slightest sense of illness, they risk being quarantined in their room for several days, missing ports. Some keep their illness a secret and continuing with their vacation.

4.2 *Medical Care and Liability*

A cruise ship is surprisingly not required under international maritime law to provide medical services. The only legal requirement is under the Standards of Training, Certification and Watchkeeping for Seafarers (SCTW) Convention, which requires identified crewmembers have various levels of first aid and medical training. Regardless, modern cruise ships maintain an infirmary and almost all have a physician and nurse. These medical professionals work under contract as concessionaires and receive a fee plus commissions on medical services, prescriptions and medical supplies.

There is wide variation in the training and background of medical personnel. Some cruise lines draw their physicians and nurses from the U.K., the U.S., and/or Canada and pay \$10,000 or more a month; all are board certified in one of these countries. In contrast, personnel on other cruise lines are drawn from a range of countries, have salaries reportedly as low as \$1057 a month, and are not necessarily board certified. A 1999 *New York Times* article reports that only 56% of doctors on CCL's ships had board certification or equivalent certifications, and 85% of the physicians on RCI were board certified (Frantz 1999).

There are cases of malpractice on cruise ships. Passengers may assume they have the same rights and protections as on land, but that is not the case. Even though a physician wears the uniform of a senior-ranked officer, is introduced to passengers on-board as the ship's physician, and like other senior officers may host a dinner table for invited guests, the cruise lines (without exception) say the physician is a private concessionaire and they accept no liability for mistakes made. This was supported by the Florida Supreme Court in February 2007 and the U.S. Supreme Court in October 2007.

Passenger rights when there is medical malpractice was put into flux in November 2014 with a U.S. Court of Appeals for the Eleventh Circuit decision in *Franza vs Royal Caribbean Cruises* (D.C. Docket No. 1:13-cv-20090-JAL; Case 13-13067). In this case a passenger was misdiagnosed and the provision of medical care inordinately delayed, both contributing to the passenger's death. The decision effectively removed a cruise line's ability to claim a physician is an independent concessionaire and that it was therefore not liable for that physician's actions. Instead, the cruise line can now in theory be held liable for medical malpractice (Dickerson and Cohen 2015). The impact of the ruling remains to be seen. Whether a passenger succeeds in suing a cruise line, and under what conditions, remains unclear.

4.3 *Myth of All-Inclusive*

Cruises have historically been marketed as an all-inclusive product. In earlier times this claim wasn't as outrageous as it is today. In the late-1990s, cruise lines

introduced “extra tariff” restaurants as an alternative to the traditional dining venues included in the cruise fare. They also created a range of revenue centres (see Klein 2008) and introduced the practice of charging gratuities (more than \$70 a week per person) to a passenger’s onboard account. The latter replaced the existing system where passengers gave gratuities directly to those who provided service. The result is that the cruise line now determines how much is passed on to the service provider; invariably they receive significantly less than the amount collected by the cruise line.

The key point here is that many cruise ships earn the bulk of their profit from onboard spending—an estimated \$60 profit per person per day. Traditionally, the largest sources of profit are bars and restaurants, the casino, and art auctions, however revenue centres proliferated in the 2000s and 2010s. Today revenue is generated from a range of onboard activities such as yoga and fitness classes, self-improvement classes, in-room gambling and pay-per-view TV, premium entertainment (i.e., extra tariff shows), wine-tasting events, and cooking workshops, to name a few (Klein 2008).

Revenue is also generated from onshore. Most cruise ships have shopping programs from which they derive significant income from the onshore stores where their passengers shop. As well, shore excursions sold on board hold back as a commission 50–70% of the amount paid by a passenger. This means a shore excursion provider likely receives less than \$25 from the \$50 paid by the passenger to the cruise line. The result is a passenger expects a \$50 product onshore, but the tour provider can’t do that when they receive at best half that amount. The passenger is unlikely to blame the cruise line for the shortfall in product, instead blaming the shore excursion provider and the destination for “ripping them off.”

4.4 *Exploitation of Workers*

Cruise lines take great pride in touting the diversity of their crewmembers. Most passengers assume these crewmembers are treated fairly and are paid a livable wage. A typical onboard labourer works a mandatory 308-hours work month (77 hours a week) and receives as little as US\$1.50 an hour; they may work 10 months without a day off. Those in service roles may fare better, depending on the cruise line and the colour of their skin, however because they do not receive gratuities directly the cruise line controls what they are ultimately paid. These crewmembers also have a mandatory 308-hours work month; they may earn as little as US\$2 an hour; some may earn as much as US\$4.50 an hour.

Aside from the level of income, crewmembers work in a quasi-militaristic structure with a clear hierarchy that places them at the bottom—the darker one’s skin colour often means the lower one’s status and the absence of opportunity for career development. It is a difficult work environment at best.

An illustration may be helpful. Holland America Line prides itself on Indonesian room stewards and dining room waiters. On a cruise aboard the *Veendam*, I asked a busboy handing out trays at the Lido what it was like working with a surveillance

camera on him—there is a camera in the ceiling, like those in casinos, monitoring activity in the Lido. His response was dispassionate and simple: “The Dutchman is always watching.” It became clear that the traditional colonial relationship between the Dutch and Indonesians was replicated on these ships. The Indonesian staff was naturally reverent and deferential to the Dutch bosses, not just as their employer but also as the colonial power under which they grew up. This same hierarchy is played out on other ships, often with those in control being White or from countries of the developed world and those under their supervision from countries of the developing world of “global South” (see Klein 2002).

5 Summary

As seen, cruise industry practices are at variance with how the industry represents itself and how it wishes to be seen by consumers and others. The issues discussed are not an indictment of the industry, suggesting it should cease to exist. Top the contrary, bringing these into the forefront are hopefully an impetus for the cruise industry to act better; to bring into alliance and coordination with the image it presents its practices and product delivery.

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‘Missing in (Cruise-) Action’: Exploring Missing Passenger Incidents on Board Cruise Ships



Sandra Wittlinger and Alexis Papathanassis

1 Introduction

“Cruising is an increasingly popular style of vacation enjoyed by millions of people; the cruise industry is currently experiencing worldwide 3.4% annual passenger growth with an estimated 20 million passengers in 2013, with its greatest growth in Australia, New Zealand, and Asia” (Klein 2013). “Never before have I been a part of or seen an industry that is so good at listening and reacting to what its customers want, and this is why we are going to see our industry continue to grow,” Cindy D’Aoust CEO of CLIA said in 2016. Moreover, “the cruise industry profited from its image as a safe travel option and generated high revenue and passenger growth last year, according to FVW’s annual dossier on the German tour operator market (2017). For the next few years, 85 new cruise ships are commissioned by shipping companies all over the world (Cruise Industry News 2016). With these new generations of ‘superliners’, it will be possible to accommodate even more passengers, which could cause a number of problems (e.g. MSC Meraviglia which can accommodate 5714 passengers and 2244 crew members). With this exponential growth of the industry, crime rates on cruise ships are already high and are expected to increase, according to the US Department of Transportation. 421 offences were reported to the Federal Bureau of Investigation (FBI) within a single year! This included smaller offences like bodily harm or theft, but half of these offences were classified as constituting serious crimes, like 154 cases of sexual assault (Klein 2012), but also attempted murder, as well as murder on board a cruise vessel. Moreover, this statistic only takes into account ships, which are sailing into US ports, US sea territory or cases involving a US citizen. This is why our paper focuses

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on people who were exposed to crime on board, especially overboard cases, as there is a surprisingly high number of missing person cases in this industry. 30% of such overboard cases are mysterious in nature (Klein 2016). However, these mysterious disappearances are just within the known cases. The actual number of overall missing person cases might be much higher. There are no internationally-enforced laws regarding safety and security standards dealing with this matter (W. Gregor, personal communication, June 12, 2017). Still, the Cruise Line International Association (abbr. CLIA) propagates that “there are all these regulations the cruise industry is suffering from, although there aren’t any” (R. Klein; W. Gregor, personal communication, 2017).

2 Methodology

Before proceeding with outlining the methodology adopted for this piece of research, It needs to be stated that this paper only focuses on persons who went overboard on cruise ships excluding incidents on ferry boats or other occurrences like theft or sexual assault.

2.1 Data Collection

The data/incidents coded and imported in the statistical program PSPP, were mined from various online sources (i.e. <http://www.cruisejunkie.com>, <http://www.cruiselawnews.com>, <http://www.internationalcruisevictims.com>). As the literature on this particular topic is practically non-existent, we opted for a mixed-methods approach. At a first phase, quantitative research on passengers going overboard on cruise vessels was conducted to examine the magnitude and trends of such incidents, followed by qualitative content analysis of expert interviews on the findings.

2.2 PSPP Data Sets

The first data set included 268 incidents, occurring between February 1995 and May 2017, and consisting of:

- 12 accidental falls
- 167 overboards
- 58 missing passengers
- 23 suicides by going overboard
- 5 murders or attempted murders
- 6 cases with no further information published